

1 HOUSE BILL NO. 200

2 INTRODUCED BY C. HARRIS

3 BY REQUEST OF THE DEPARTMENT OF JUSTICE

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A BIOLOGICAL AGENTS REGISTRY IN THE
6 DEPARTMENT OF JUSTICE AND AUTHORIZING CIVIL PENALTIES FOR A VIOLATION OF REGISTRY
7 REQUIREMENTS."

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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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11 NEW SECTION. **Section 1. Biological agents registry -- rules -- penalties.** (1) The department of
12 justice shall establish and administer a program for the registration of biological agents. The biological agents
13 registry must identify the biological agents possessed and maintained by any person in this state and must
14 contain other information required by rules adopted by the department.

15 (2) As used in this section, the following definitions apply:

16 (a) "Biological agent" means any microorganism, including but not limited to bacteria, viruses, fungi,
17 rickettsiae, or protozoa; infectious substance; or any naturally occurring, bioengineered, or synthesized
18 component of any microorganism or infectious substance that is capable of causing:

19 (i) death, disease, or other biological malfunction in a human, animal, plant, or other living organism;

20 (ii) deterioration of food, water, equipment, supplies, or material of any kind; or

21 (iii) deleterious alteration of the environment.

22 (b) "Person" means any association, business, corporation, facility, firm, individual, institution of higher
23 education, organization, partnership, society, state agency, or other legal entity.

24 (3) The department shall adopt rules for the implementation of the registry program as follows:

25 (a) determining and listing the biological agents required to be reported under this section;

26 (b) designating persons required to make reports and specific information required to be reported,
27 including time limits for reporting, form of reports, and to whom reports must be submitted;

28 (c) providing for the release of information in the registry to state and federal law enforcement agencies
29 and the United States centers for disease control and prevention pursuant to a communicable disease
30 investigation commenced or conducted by the department or other state or federal law enforcement agency

1 having investigatory authority or in connection with any investigation involving the release, theft, or loss of
2 biological agents;

3 (d) establishing a system of safeguards that requires persons possessing and maintaining biological
4 agents subject to this section to comply with the same federal standards that apply to persons registered to
5 possess the same agents under federal law;

6 (e) establishing a process for persons that possess and maintain biological agents to alert appropriate
7 authorities of unauthorized possession or attempted possession of biological agents. The rules must designate
8 appropriate authorities for receipt of alerts from these persons.

9 (4) A person that possesses and maintains any biological agent required to be reported under this
10 section shall report to the department the information required for inclusion in the biological agent registry.

11 (5) (a) Except as otherwise provided in this section, material and information prepared for or maintained
12 in the registry under this section are not subject to disclosure under the public records law. Material and
13 information prepared for or maintained in the registry are not subject to subpoena unless the information is
14 reviewed, in camera, by a district court judge and ordered to be provided to the person seeking access.

15 (b) The department may, in accordance with its rules, release information contained in the biological
16 agent registry for the purpose of conducting or aiding in a communicable disease investigation. The department
17 shall cooperate with and may share information contained in the biological agents registry with state and federal
18 law enforcement agencies and the United States centers for disease control and prevention in any investigation
19 involving the release, theft, or loss of a biological agent required to be reported under this section.

20 (c) Release of information from the registry, as authorized by subsection (5)(a) or (5)(b), does not render
21 the information released or information prepared for or maintained in the registry a public record.

22 (6) A person who willfully or knowingly violates a provision of this section or rules adopted by the
23 department under this section is subject to an administrative civil penalty of not more than \$1,000 for each
24 offense. Each day of a violation constitutes a separate violation. The proceeds of a civil penalty must be
25 deposited in the general fund. The department shall establish by rule a penalty matrix that schedules the types
26 of penalties, the amounts for initial and subsequent offenses, and other matters necessary for the administration
27 of civil penalties under this subsection. The issuance of a civil penalty is subject to the contested case
28 procedures of Title 2, chapter 4, part 6.

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30 NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an

1 integral part of Title 2, chapter 15, part 20, and the provisions of Title 2, chapter 15, part 20, apply to [section 1].

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